

REMARKS

Applicants have carefully considered the matters raised by the Examiner in the outstanding Office Action but remain of the opinion that patentable subject matter is present. Applicants respectfully request reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Claims 15-17, 19 and 20 are pending. Claims 15, 17, 19 and 20 have been allowed while claim 16 has been rejected as being anticipated by DeMil.

Claim 16 has been amended herein to delete the word crops. The purpose of this amendment is to emphasize the fact that the method which is recited in claim 16 is conducted on the grape vines after inflorescence. In other words, when the grape has started to form. It is by treating the grape as it is starting to form that causes the sugar to increase. Such treatment does not effect the number of berries but, rather, only the enrichment of the sugar content of the berries that are already on the vine. Obviously, the whole plant is sprayed but the berries on the plant are the focus of the treatment in that the berries that are treated have got the increase in sugar.

This can be contrasted against the teaching in DeMil because the teaching in DeMil calls for treatment of the plants between floral induction and inflorescence. This is referred to as the inflorescence period, see column 1, lines 53-60. In other words, the grape vines are treated prior to grape formation and specifically during the flowering period. By treating the vines during this period, it can increase the number of berries or grapes on the vine. The purpose of the DeMil reference is specifically to improve floral fertility, i.e. to increase the number of berries that are produced on the vine. This is in direct contrast with the present invention where the grape vine is not treated in order to effect the number of berries but, rather, the sugar content of the berries. Because of this, the berries must be on the vine when treatment is conducted in order to improve the sugar content of the berries.

It is respectfully submitted that DeMil neither teaches nor suggests treating the berries that are on the vine. For that matter, it is submitted that DeMil is teaching directly away from the present invention because DeMil is teaching treating of the grape vine prior to the formation of the berries, i.e. during the flowering stage. As noted above, this is directly opposite the present invention which treats the grape vines and more specifically the berries which are on the vine. Respectfully, the

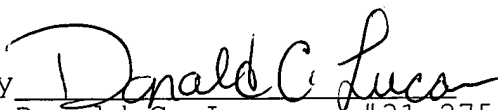
present invention is patentable over the teaching of Demit since Demil neither teaches nor suggests the invention as recited in claim 16.

In view of the foregoing, it is respectfully submitted that claim 16 is in condition for allowance along with the other allowed claims and such action is respectfully requested. Should any fees or extensions of time be necessary in order to maintain this application in pending condition, appropriate requests are hereby made and authorization given to debit account #02-2275.

Respectfully submitted,

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